

UNITED STATE DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

TOM ELLIOTT : UNITED STATE DISTRICT  
VS. : COURT

UNITED STATE X : CASE No: 1:CR-00-119-002

MOTION FOR REDUCTION OF SENTENCE  
TO THE HONORABLE JUDGE, YVETTE KANE:

NOW ON THIS DATE APRIL 10, 2008, DEFENDANT  
TOM ELLIOTT (PRO SE) REQUESTS THE COURT RECONSIDER  
AND REDUCE HIS SENTENCE AND IS SUPPORT THEREOF  
RESPECTFULLY REPRESENTS THAT:

1. ON MARCH 30, 2001, DEFENDANT WAS SENTENCED TO A  
TERM OF IMPRISONMENT FOR A TERM OF 140 MONTHS AS  
A RESULT OF HIS GUILTY PLEA TO CHARGES OF DISTRIBUTION  
OF COCAINE BASE ("CRACK"), COCAINE POWDER.
2. THE AMOUNT OF COCAINE BASE INVOLVED WAS MORE THEN  
50 GRAMS AND LESS THEN 100 GRAMS AND WITH THE COCAINE  
POWDER NO AMOUNT WAS GIVEN.
3. THE DEFENDANT WAS SENTENCED PRIOR TO THE DECISION IN  
UNITED STATE VS. BOOKER, 543 U.S. 220 (2005) HOLDING THAT TH

SENTENCING GUIDELINES ARE ADVISORY.

4. THE DEFENDANT WAS SENTENCED PRIOR TO THE KIMBROUGH V. UNITED STATE, 128 S. CT. 558 (2007)

5. THE DEFENDANT IS 46 YEARS OF AGE, HAVING BEEN BORN ON JULY 25, 1961.

6. THE DEFENDANT HAS BEEN IN CUSTODY SINCE HE WAS 38 YEARS OF AGE.

7. THE SENTENCING GUIDELINES HAVE BEEN AMENDED IN RECOGNITION OF THE FACT THAT SENTENCE INVOLVING CRACK COCAINE WERE OFTEN UNJUST.

8. EVEN AS AMENDED, SENTENCING COMMISSION HAS CREATED A SYSTEM IN WHICH THE RATIO OF CRACK TO POWDER COCAINE VARIES FROM ONE OFFENSE LEVEL TO THE NEXT, CREATING EVEN MORE POTENTIALLY UNJUST SENTENCE IF THE GUIDELINES WERE APPLIED.

9. THE CALCULATION TO DETERMINE THE BASE OFFENSE LEVEL BECOMES COMPLICATED AND ANOMALOUS WHEN THE OFFENSE INVOLVES CRACK COCAINE AND ANOTHER CONTROLLED SUBSTANCE.

10. THE DEFENDANT RESPECTFULLY REQUESTS THAT THE COURT EXERCISES ITS DISCRETION AND REDUCE THE

DEFENDANT'S OFFENSES LEVEL BY AT LEAST TWO LEVELS  
AND IMPOSE A REVISED SENTENCE ACCORDINGLY.

WHEREFORE, DEFENDANT RESPECTFULLY REQUESTS  
THAT THE COURT REDUCE HIS SENTENCE.

RESPECTFULLY SUBMITTED

  
TOM ELLIOTT (PRO SE)

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